IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hiroshi IKEDA

Application No.: 10/518,410	Confirmation No.: 7744
Filed: December 17, 2004	Art Unit: 2629
For: DISPLAY APPARATUS	Examiner: R. E. Carter

REQUEST FOR WITHDRAWAL OF FINALITY OF OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Madam:

This is NOT a response to the outstanding Office Action.

In accordance with the provisions of MPEP § 706.07(c), the Applicant respectfully requests that the **Supervisory Primary Examiner** withdraw finality of the last Office Action dated April 16, 2009 and provide a new Office Action for reasons discussed below. The Office Action fails to provide documentary evidence to back up the Examiner's Official Notice, as was requested in the Reply filed September 19, 2008, at page 15. According to procedure laid out in MPEP § 2144.03, "If Applicant Challenges a Factual Assertion as Not Properly Officially Noticed or Not Properly Based Upon Common Knowledge, the Examiner Must Support the Finding With Adequate Evidence." The Examiner has not provided adequate evidence.

REMARKS

In the previous Office Action dated May 19, 2008 (at pages 7-8), the Examiner admitted that "Fukumoto et al. as modified by Guha et al. and Harris does not teach the display control means comprising a scan inverting circuit." Instead, the Examiner refers to the Applicant's own

disclosure in a statement: "However, as defined in Figures 2 and 3 of the Applicant's disclosure and pages 9 and 10 of the specification, the scan inverting circuit merely inverts the horizontal scan signal (Page 9, lines 6-12)."

Applicant notes that this statement is incorrect, and reflects a misunderstanding of the present invention. The scan inverting circuit receives as input a "horizontal direction scan signal." (see specification at page 9, first paragraph). The horizontal direction scan signal is not the horizontal scan signal, as alleged by the Examiner.

In addition, the Examiner takes "Official Notice that inverters in signal paths of display drivers are well known in the art."

The Examiner makes these same statements with respect to other independent claims.

Furthermore, the Examiner relies on this "Official Notice" in support of an argument that the claimed "signal inverting circuit" of claims 9, 13, and 19 would have been obvious. (see for example Office Action at page 16, paragraph beginning "Since Fukumoto et al....).

Thus, the Office Action of May 19, 2008 indicates "Official Notice" for the claimed "scan inverting circuit," recited in each of the independent claims except withdrawn claim 3, and the claimed "signal inverting circuit," recited in claims 9, 13, and 19.

In a Reply dated September 19, 2008, the Applicant specifically requested documentary evidence to support the Examiner's assertion of Official Notice (Reply at page 15).

The Present Final Office Action dated April 16, 2009 repeats the previous rejections without providing the requested documentary evidence, or at least addressing the Applicant's request for documentary evidence.

Accordingly, Applicant requests a new Office Action that takes into consideration the request for documentary evidence in support of the Official Notice. Otherwise, Applicant submits that the rejection must be withdrawn as failing to establish *prima facie* obviousness.

CONCLUSION

In view of the above, each of the claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Dated: April 29, 2009

Respectfully submitted,

By Robert Dawson #48222

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